purchaser is known to buy for the purpose of sowing them himself." Adopting the limitation thus rather suggested than positively stated by Mr. SUTHERLAND, the court says: "The crucial inquiry was of defendant's understanding of such purpose of direct resale to the grower." The only authority SUTHERLAND cites in laying down the rule so limited is *Randall* v. *Raper*, El. B. & El. 84, reference to which fails to reveal any such limitation. Nor do any of the cases which allow recovery in case of resale of seeds place this limitation upon the rule. See *Henley* v. *Woodcock*, 1 F. & F. 532; *Passinger* v. *Thorburn*, 34 N. Y. 634; *Lovegrove* v. *Fisher*, 2 F & F., 128; and for the same rule applied to other merchandise see *Reggio* v. *Braggiotti*, 61 Mass. 166; *F. Hammar Paint Co.* v. *Glover*, 47 Kan. 15. Mr. MAYNE does not place this limitation on the rule. MAYNE, DAMAGES, (6th Ed.), p. 201. The principles of damages do not call for any such limitation, for the fact that the seeds are planted by a sub-vendee cannot increase the original vendor's liability. The vendee is not allowed to recover any of the expenses incident to such resale, but merely the difference between the crop values of the seeds warranted and those grown. Notice of intended resale is required only where the vendor seeks to recoup himself for special damages sustained by reason of the sale itself. That the rule as limited by the court in the instant case seriously detracts from the effectiveness of the well established rule announced in *Randall* v. *Raper*, supra, seems incontrovertible.

EVIDENCE — CORPORATION'S PRIVILEGE AGAINST SELF-INCRIMINATION.—The defendant corporation was indicted. Supoena duces tecum issued against the chief clerk of its legal department ordering him to produce documents and records of the defendant corporation which were in his custody to be used in preparing the defense. His refusal was based upon the corporation's right to privilege against self-incrimination under the Federal Constitution. *Held*, "the right under the fifth amendment to refuse to incriminate oneself is purely a personal privilege of an individual witness, and is not without the aid of the fourth amendment to be extended to a corporation defendant." *United States* v. *Philadelphia & R. Ry. Co.* (D. C. 1915), 225 Fed. 301.

This case seems to extend the doctrine which was announced by the court in the case of *Hale* v. *Henkle*, 201 U. S. 43, 26 Sup. Ct. 370, 50 L. Ed. 652. In that case, while investigation was in progress against the corporation of which Hale was an officer, he claimed the privilege because the documents and papers ordered to be produced might tend to incriminate *him*. Insofar as it is relied upon to support the view that an officer cannot claim the privilege of the corporation to protect himself, *Hale* v. *Hinkle*, supra, is good law; but whether it is authority for the further proposition that the *corporation* cannot claim the privilege, is questionable. The principal case directly involves this latter question, for the defendant corporation took the only avoidable means of claiming its privilege; namely, through its officer; but in arriving at the conclusion that the corporation is not protected under the fifth amendment, the court relies chiefly upon *Hale* v. *Henkle*, supra, and cases of a similar nature. *Wilson* v. *United States*, 221 U. S. 361, 31 Sup. Ct. 538, 55 L. Ed. 771, Ann Cas. 1912 D, 558; *Wheeler* v. *United States*, 226 U. S.

478, 33 Sup. Ct. 158, 57 L. Ed. 309. Nor is the case of *Baltimore & O. Rd. Co.* v. *Interstate Commerce Commission,* 221 U. S. 612, 31 Sup. Ct. 621, 55 L. Ed. 878, directly in point. The privilege against self-incrimination existed at common law, and the constitution merely guarantees its continued existence. 5 WIGMORE, § 2259. The instant case holds that it is not guaranteed to a corporation, but leaves undecided the question whether or not the corporation has the privilege without the constitution. Possibly this holding is sound if put upon the theory that the right guaranteed by the fifth amendment is a personal right and that a corporation is not a person within the meaning of this amendment. In concluding its holding upon this point the court says, "If I am wrong in the conclusion that a corporation is not protected from self-incrimination under the fifth amendment, and the defendant is injured thereby, it will have its opportunity to have the question more definitely settled in a higher court." It is to be hoped that the Supreme Court may have the opportunity to pass directly upon this vitally important question.

EVIDENCE—HEARSAY ADMISSIBLE UNDER WORKMEN'S COMPENSATION ACT. —Plaintiff's intestate was employed as an ice-wagon driver by defendant, and plaintiff claims relief under the Workmen's Compensation Law; the Workmen's Compensation Commission found as a fact that deceased was fatally injured by being struck by a cake of ice which slipped from his ice-tongs when he attempted to unload it. Nobody was present at the time of the accident, and the commission based its findings on evidence given by the doctor who attended him, a helper, and the decedent's wife, all of whom depended on the story told by the decedent during his illness. An appeal was taken to the Supreme Court, from the award made by the commission, on the ground that there was no legal evidence to support it. *Held,* that under the Workmen's Compensation Law the commission may make an award on hearsay evidence, or other evidence which would be incompetent under the general statutes or at common law. *Carroll* v. *Knickerbocker Ice Co.* (N. Y. App. Div. 1915), 155 N. Y. Supp. 1.

In placing this liberal construction on the act, the New York court has followed what seems to be the spirit of the new Workmen's Compensation Law, though a stricter ruling might have found support from the courts of other states. The section of the Act in question provides: "§ 68. The commission * * * shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure, * * * but may make such investigation or inquiry, or conduct such a hearing in such manner as to ascertain the substantial rights of the parties." The court holds that this section abrogates the entire law of evidence as applied by the courts, with the result that the court has no power to go back of the commission's findings of fact and inquire whether such findings were based on satisfactory evidence. In *Reck* v. *Whittlesberger,* 181 Mich. 463, 148 N. W. 247, where the statute did not contain any provision like the one quoted above, the holding was in exact opposition to that in the principal case. The board of commissioners had made a finding based partly on hearsay evidence, and partly on